IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2844/06

Vipul Saxena

Versus

University of Rajasthan & Ors.

DATE OF ORDER :: 25/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Abhinav Sharma] for petitioner
Mr. Abishek Sharma]

Miss Ashish Joshi]
Mr. R.A. Katta] for respondents
Mr. Sushil Sharma]

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Instant petition has been filed by petitioner-student who had undergone full years study of MBA Part I, but was not permitted to appear in the examination and at the fag end he has approached this court by filing the instant petition and under the interim order of this court, he was permitted to appear in written examination of MBA Part I dated 17th April, 2006. Petitioner appeared in Rajasthan Management Admission Test, 2005 with Roll No.8053 and was declared successful. The institution-wise candidate allotted list which was prepared by respondent No.2 after counselling, he was allotted Rajasthan Institute of Engineering & Technology and accordingly, fee was deposited by him in the institute on 15th July, 2005 and had undergone First Year Course of MBA Part I and at this stage, he was informed by the institute vide

Ann.4 that institute has been informed that his name was not sent from RMAT 2005, as such cannot be permitted to appear in the examination. Petitioner has come with specific case before this court that he appeared in RMAT Examination, 2005 and finally declared successful - his name was duly included in the institution-wise candidate allotted list prepared by respondent No.2 and forwarded to the institute respondent No.3.

From Para 6 of reply filed by respondent No.2 this fact remained uncontroverted that petitioner appeared with Roll No.8053 in RMAT Examination, 2005 and allotted the institute respondent No.3. It has further been mentioned that due to some error name of petitioner was not shown in the list of admitted candidates and RMAT office could not send his name to the University of Rajasthan at the relevant point of time. In view of Para 6 of reply filed by respondent No.2, the controversy does not require any further adjudication.

It may be human error but finally if petitioner had appeared in RMAT Examination, 2005 and has been declared successful took admission in MBA Part I, deposited the fee and undergone full years study of MBA Part I, there was no justification available with the respondent to deprive him from appearing in examination of MBA Part I. However, he has been permitted under the

interim order of this court but certainly because of inaction of respondents serious prejudice has been caused to the student.

It is always expected from the authorities that they should be careful in future because their act of human error caused serious prejudice to the students and accountability is to be fixed who commits an error.

Without going into controversy and in view of what has been observed above, the writ petition succeeds and is hereby allowed. Respondents are directed to declare the result of petitioner of MBA Part I Examination in which he had appeared under the interim order of this court and if he is declared successful, he may be permitted to undergo further course of MBA as per rules.

It has been further brought to the notice of this court that because of some delay, the institute has charged the penalty over the fee which was due but that has been deposited by petitioner. If that be so, it is expected from the institute to adjust the penalty which has been charged from him in his future fees.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.